



OUT19/10274

Patrick Copas  
Planning Officer  
Planning and Assessment Group  
NSW Department of Planning, Industry and Environment

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Dear Mr Copas

**Australian Bay Lobster Facility – Modification 4 – Soil treatment, bulk earthworks and administrative amendments (DA282-11-2004-i-Mod-4)  
Exhibition of modification report**

I refer to your email of 31<sup>st</sup> July 2019 to the Department of Planning, Industry and Environment (DPIE) – Lands, Water and Department of Primary Industries (DPI) about the above matter.

The following advice for you to consider is from relevant branches of Lands & Water and DPI.

**DPIE – Water and the NSW Natural Resources Access Regulator**

A groundwater monitoring plan exists for the site as required under Condition 5.4 (see Tab B) of the DA approval. This monitoring plan is specifically targeted at monitoring impacts relating to water quality change from aquaculture activities and use of saltwater but does not address water quality change from the importation of acid sulfate soils.

The groundwater monitoring plan should be altered in consultation with DPIE Water to include groundwater monitoring and management of any long term impacts associated with the importation of Acid Sulfate Soils.

**DPI Agriculture**

Any potential acid sulfate soils should be properly tested and if found, adequately treated in accordance with the NSW Acid Sulfate Soils Manual 1998.

**DPI Fisheries**

*Modification component no. 1*

Please ensure that any acid sulfate soils are managed appropriately and potential impacts meet the requirements of the NSW Oyster Industry Sustainable Aquaculture Strategy and the provisions of the State Environmental Planning Policy (Primary Production and Rural Development) 2019.

*Modification component no 2*

NSW DPI has no objection to the modification of paragraph 1.3, Schedule 2 of the Consent but suggests that the wording be amended to reflect the aquaculture infrastructure type rather than the specific species to ameliorate the need to get a modification if the nomenclature of species changes.

Suggested wording:

1.3 The development is restricted to the commercial tank based aquaculture infrastructure (*which includes raceway systems*) utilising seawater in the cultivation of fish consistent with this consent.

1.3a The proponent must not vary the cultured species unless approved by NSW DPI. (The process to vary the culture species can then be accommodated through the NSW DPI Aquaculture Permit Variation Application process).

*Modification component no. 3*

The accommodation sewage system must meet the requirements of the NSW Oyster Industry Sustainable Aquaculture Strategy and the provisions of the State Environmental Planning Policy (Primary Production and Rural Development) 2019

*Modification component no. 6*

DPI's Aquaculture Management Unit has amended the ABLPs aquaculture permit to address the cadastre issues.

*Modification component no 7*

The original development proposal which the department considered was for a tank based (includes raceways) aquaculture facility using seawater. Any future aquaculture infrastructure development must be considered in accordance with the provisions of the NSW Land Based Sustainable Aquaculture Strategy and State Environmental Planning Policy (Primary Production and Rural Development) 2019.

NSW DPI currently has no comments regarding the conceptual site plan but would like to reserve the right to consider the merit of any future proposed development based upon the above matters.

Any further referrals to DPIE – Lands, Water and DPI can be sent by email to:  
[landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au).

Yours sincerely



Liz Rogers  
Manager, Assessments  
**DPIE Water – Strategic Relations**  
10<sup>th</sup> September 2019